

March 10, 2003

Mattie Condray
Legal Services Corporation
750 First Street, NE
Washington, DC 20002-4250

Dear Mattie:

We write on behalf of the members of the New York State Diversity Coalition, a coalition of legal services staff and management in New York State dedicated to raising and resolving issues of diversity in our legal services community. Our mission statement is enclosed.

The New York State Diversity Coalition is gratified that the Legal Services Corporation is considering issuing guidance for serving Limited English Proficiency (LEP) populations one of its priorities for 2003. We think that LSC action on this issue is needed now more than ever.

The 2000 Census shows that at least 21,320,407 persons, 19% of all individuals above the age of 5, speak English less than "very well." In New York City alone, 24% of those 5 years and older speak English less than "very well." Much of the LEP population is lower income and financially eligible for services from LSC grantees. Given that, the Corporation cannot choose to do nothing on the issue of LEP guidance.

The Diversity Coalition does oppose issuing formal regulations at this time. We think that such a regulation will impose additional burdens on LSC grantees, as well as compliance obligations on the Legal Services Corporation. While we think it imperative that LSC begin to hire staff with LEP expertise for its various programs, we think that much can be accomplished for LEP clients through LSC issuing non-regulatory guidance immediately.

The Diversity Coalition asks that LSC issue guidance to LSC grantees requiring that grantees have a written LEP policy and a written LEP plan. The guidance could speak to how the LEP policy and plan should be developed and, in that regard, should largely follow the DOJ guidance for serving LEP populations. We think the DOJ guidance requires grantees to analyze the relevant information, and allows grantees to shape a plan that meets the needs of the local LEP population. The guidance could be non-binding, though the requirement of a policy and plan could be implemented through the grant assurances.

In addition to the requirement of a policy and plan, and the issuance of guidance, the Diversity Coalition hopes that the Corporation will collect and disseminate resources to assist grantees in meeting the needs of their LEP clients and to widely publicize the “best practices” in our field. Some of the members of the Coalition, in particular in New York City, have addressed the issues of serving LEP clients for years. Even Upstate, there are many DOJ grantees and others who have taken this task on. Best practices exist in both New York and elsewhere in the country and can easily be collected and disseminated at the Legal Resources Initiative (www.lsc.lri.gov). We urge the Corporation to do so.

For example, LSC could collect training materials on how attorneys should work with interpreters and for training bilingual staff who serve as interpreters. The Coalition is currently working on a training event for bilingual staff who serve as interpreters, and the materials could be posted to the Legal Resource Initiative. Negotiating a national discount for telephone translation services might also assist grantees.

You asked how many LSC grantees are also DOJ grantees. In New York State, at least the following LSC grantees are also DOJ grantees: Neighborhood Legal Services, Niagara County Legal Aid, Southern Tier Legal Services, Monroe County Legal Assistance Corporation/Legal Assistance of the Finger Lakes (subgrant), Legal Aid Society of Mid-New York, Legal Services of Central New York (subgrant), Legal Aid Society of Northeastern New York, Westchester/Putnam Legal Services, Queens Legal Services, South Brooklyn Legal Services and Harlem Legal Services.

Given the large number of DOJ grantees who are also LSC grantees, we ask that the Corporation’s own guidance and grant assurance requirements be consistent with the DOJ guidance.

We are gratified that you will address this issue in 2003. We stand ready to assist the Corporation in disseminating best practices to other grantees for providing services to LEP clients. If we can provide you with any additional information, please do not hesitate to contact Lillian M. Moy at the Legal Aid Society of Northeastern New York at 518-689-6304 or lmoy@lasnny.org or Tanya Douglas at Legal Services for New York City, Manhattan at (917) 661-4500, ext. 8127 or tdouglas@lsny.org.

Sincerely yours,

Lillian M. Moy & Tanya Douglas
o/b/o The New York State Diversity Coalition